

## **REGULATION 2.09 Causes for Permit Modification, Revocation, or Suspension**

### **Air Pollution Control District of Jefferson County Jefferson County, Kentucky**

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes the causes under which a permit may be modified, revoked, or suspended.

#### **SECTION 1 Permit Modification by the District or the Board**

- 1.1 The District may, on its own initiative, modify a permit for one or more of the following causes:
  - 1.1.1 Failure to comply with the terms and conditions of the permit,
  - 1.1.2 Failure to comply with the emissions standards or other provisions of these regulations, KRS Chapter 77, or EPA regulations that are applicable to the affected facility,
  - 1.1.3 Failure to report a process or process equipment change that causes an emission increase,
  - 1.1.4 An additional requirement becomes applicable to the affected facility,
  - 1.1.5 The District determines that the permit contains a material mistake,
  - 1.1.6 The District determines that an inaccurate or incomplete statement that was the basis of establishing an emission standard or other term and condition of the permit was included in the permit application, and
  - 1.1.7 The District determines that the affected facility, as permitted, does not comply with the provisions of Regulation 1.09 *Prohibition of Air Pollution*.
- 1.2 The Board may direct the District to modify a permit for one or more of the causes specified in section 1.1.
- 1.3 The Board may direct the District to modify a permit consistent with a final order of the Board resulting from an administrative hearing pursuant to Regulation 1.19 *Administrative Hearings*

#### **SECTION 2 Permit Revocation by the Board**

- 2.1 The Board may, after providing the notice, opportunity for response, and public hearing as specified in section 2.2, revoke a permit for one or more of the following causes:
  - 2.1.1 Failure to comply with the terms and conditions of the permit,
  - 2.1.2 Failure to comply with the emissions standards or other provisions of these regulations, KRS Chapter 77, or EPA regulations that are applicable to the affected facility,
  - 2.1.3 Failure to report a process or process equipment change that causes an emission increase,
  - 2.1.4 The District determines that an inaccurate or incomplete statement that was the basis of establishing an emission standard or other term and condition of the permit was included in the permit application,
  - 2.1.5 Fraud or deceit was employed in obtaining the permit,
  - 2.1.6 The District determines that the affected facility, as permitted, does not comply with the provisions of Regulation 1.09 *Prohibition of Air Pollution*,
  - 2.1.7 Failure of the permittee to pay either of the following within the time frame directed in the enforcement action:
    - 2.1.7.1 An assessment to the District pursuant to an agreed settlement of an alleged violation,

- or
- 2.1.7.2 A civil or criminal penalty imposed by an order of the Board or a court of competent jurisdiction for a violation of the terms and conditions of the permit, the emissions standards or other provisions of these regulations, KRS Chapter 77, or EPA regulations that are applicable to the affected facility, and
- 2.1.8 Any other cause for permit revocation identified in these regulations.
- 2.2 Before revoking a permit, the Board shall do the following:
  - 2.2.1 Provide notice to the permittee that a determination has been made that cause exists for the revocation of the permit. The notice shall state the basis of the determination,
  - 2.2.2 Provide the permittee with a 30-day period in which to submit to the District a written response to the notice, and
  - 2.2.3 Hold a public hearing pursuant to Regulation 1.08 *Administrative Procedures*.
- 2.3 The Board may revoke a permit effective immediately or specify a future date for the revocation to take effect. If the Board specifies a future date for the revocation to take effect, the Board may stipulate that the revocation shall not take effect if the permittee complies with the conditions specified by the Board.
- 2.4 If a permit is revoked by the Board, the District shall provide written notice to the permittee stating that the permit has been revoked and specifying the reason for the revocation and the effective date of the revocation.

### **SECTION 3 Permit Suspension by the District**

The District may suspend a permit for either of the following causes:

- 3.1 Failure of the permittee to provide information, analyses, plans, or specifications relating to an affected facility that were requested by the District, or
- 3.2 Failure of the permittee to timely pay permit fees pursuant to Regulation 2.08 *Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees* section 2.11.

Adopted v1/6-13-79; effective 6-13-79; amended v2/6-19-02.